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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,312	02/28/2002	Hiromasa Tanji	D-1252	6850

7590 09/15/2003

KANESAKA AND TAKEUCHI
1423 Powhatan Street
Alexandria, VA 22314

EXAMINER
MCCLOUD, RENATA D

ART UNIT	PAPER NUMBER
2837	

DATE MAILED: 09/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/084,312	TANJI, HIROMASA	
	Examin r	Art Unit	
	Renata McCloud	2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 June 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. In response to the amendment filed 19 June 2003, paper number 4, the following has occurred:

(a) Claims 1 and 4 have been amended.

(b) Claim 2 has been cancelled and claims 7 and 8 have been added. Now claims 1 and 3-8 are presented for examination.

(c) An English abstract of DE4332205 has been submitted.

(d) A revised drawing of Fig. 4 has been submitted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frantom et al (U.S. Patent 4,665,312) in view of Townsend et al (WO 00/21801).

Claim 1: Frantom et al teach a motor retractor system, comprising: a seat belt (10); a first winding device attached to one end of the belt and having a motor for winding the same (14); a second winding device attached to the belt and having a

tension applying device for always applying a tension to the belt for winding the same (Col.14: 48-58); a through-tongue slidably attached to the seat belt (Fig. 1:22); a buckle to be connected to the through-tongue (Fig. 1:24); a detecting device attached to the through tongue and the buckle for detecting a release of the through-tongue from the buckle (Fig. 2:38); and a control unit electrically connected to the detecting device and the first winding device, the control unit actuating the motor of the first winding device to wind the seat belt to the first winding device for only an amount withdrawn from the first winding device upon the release of the through-tongue from the buckle detected by the detecting device (Fig. 1:28; Fig. 2:28). Frantom et al do not teach a winding device attached to the other end of the belt.

Townsend et al teach a first winding device attached to one end of the belt (Fig. 4:20) and a second winding device attached to the other end of the belt (Fig. 4:18).

Claim 3: Frantom et al and Townsend et al teach the limitations of claim 1. Referring to claim 3, Frantom et al teach belt-storage detecting means disposed in the first winding device for detecting stored states of the belt in the respective winding devices (Col. 14:20-30). Frantom et al do not teach second belt-storage means. Townsend et al teach first and second belt-storage means disposed in the first winding device and the second winding device, respectively (Fig. 4:44,46).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the retractor system taught by Frantom to include a second winding device and second storage means as taught by Townsend et al. The advantage of this would be a retraction system that reduces wear on the seat belt and

insures reliable positioning of the belt for repeated use.

Claim 5: Frantom et al and Townsend et al teach the limitations of claim 3. Referring to claim 5, Frantom et al teach the first belt-storage detecting means detects a predetermined amount, the control unit stops winding operation of the first winding device (Col. 14:25-38).

Claim 6: Frantom et al and Townsend et al teach the limitations of claim 1. Referring to claim 6, Townsend et al teach seat belt includes a shoulder portion connected to a first winding device (Fig. 1:33), and a lap portion connected to a second winding device (Fig. 1:31).

4. Claims 4, 7, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Frantom et al and Townsend et al as applied to claim1 above, in view of Seki et al (U.S. Patent 5,634,664).

Claim 4: Frantom et al and Townsend et al teach the limitations of claim 1. They do not teach when the belt is in use, only the second winding device generates tension. Seki et al teach when the belt is in use, only the second winding device generates tension to a wearer (Col. 2:35-40; Col. 4: 36-38).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the retractor device taught by Frantom et al and Townsend et al to make only the second winding device generates tension as taught by

Seki et al. The advantage of this would be a retractor system that selectively locks the seat belt.

Claim 7: Frantom et al, Townsend et al and Seki et al teach the limitations of claim 4. Referring to claim 7, Frantom et al teach the first winding device includes a spool (e.g. Fig. 11: 42) for winding the seat belt, the motor being connected to the spool so that the seat belt can be withdrawn from the spool as desired without operation of the motor (e.g. Col. 4:42-46), and when the motor is actuated, the motor winds the seat belt for the amount only withdrawn from the spool (e.g. Col. 5:62-68).

Claim 8: Frantom et al, Townsend et al and Seki et al teach the limitations of claim 7. Referring to claim 8, Frantom et al teach the second winding device includes a spool (e.g. Col.14: 48-58; Fig. 10: 42) for winding the seat belt, the tension-applying device (e.g. Fig. 10:284,286) being attached to the spool (e.g. Fig. 10:42) so that the seat belt is freely withdrawn from the spool of the second winding device while receiving tension to wind the seat belt by the tension applying device (e.g. Col. 5:62-68; Col. 14: 20-38).

Response to Arguments

5. In response to applicant's argument that Frantom et al do not teach the seat belt being withdrawn without use of the motor, referring to Col. 5: 53-68, Frantom et al teach that the seat belt is extracted manually by the occupant, and that the motor acts as a tachometer during the period of extraction.

In response to applicant's argument that Frantom et al do not teach winding the seat belt for the amount withdrawn from the first winding device, referring to Col. 5: 17-52, Frantom et al teach that in Mode 1, the seat belt is snugged or stowed, in Mode 2 the belt is loosened by a moving seat occupant, then in Mode 3, the seat belt is resnugged to it snug state in Mode 1.

In response to applicant's arguments that WO '801 does not teach a motor winding system, detecting device, or control unit, the examiner agrees with the applicant, however, the examiner realized this and therefore relied on the teachings of Frantom for the winding system, detecting device, and control unit.

In response to applicant's argument that the combination of Frantom et al and WO '801 does not constitute the present invention, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.- Fri. from 8 am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud
Examiner
Art Unit 2837

RDM

ROBERT E. NAPPI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800